

## **REMARKS**

Applicant is in receipt of the Board of Patent Appeals and Interferences Decision on Appeal of October 22, 2009. Claims 82, 87, 92-94, 98, 101, 102, 104, and 105 have been amended. Claims 85, 86, 103, and 106 have been cancelled. No claims have been added. Therefore, claims 82-84, 87-102, 104, and 105 are pending in this case. Reconsideration of the present case is earnestly requested in light of the following remarks.

### **Claim Objections**

Claim 92 was previously objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant has amended claim 92 to depend on independent claim 82 to address this issue.

### **Section 102 Rejection**

Claims 82-106 were rejected under 35 U.S.C. § 102(e) as being anticipated by Nagaoka et al. (hereinafter “Nagaoka”, US Patent Publication 2002/0180579). In the Decision on Appeal of October 22, 2009, the Appeal Board found that the Examiner erred in finding that Nagaoka anticipated claims 86 and 87. Accordingly, Applicant has amended the independent claims to incorporate the allowable subject matter of claim 86. Applicant therefore submits that all of the claims are allowable as written.

## **CONCLUSION**

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-46100/JCH.

Also filed herewith are the following items:

- ☒ Request for Continued Examination
- ☐ Terminal Disclaimer
- ☐ Power of Attorney By Assignee and Revocation of Previous Powers
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,

/Jeffrey C. Hood/

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